



Docket No.: 206202US3DIV

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



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RE: Application Serial No.: 09/848,280
Applicants: Hironori FUJIOKA, et al.
Filing Date: May 4, 2001
For: METHOD OF PRODUCING REDUCED IRON AND
PRODUCTION FACILITIES THEREFOR
Group Art Unit: 1742
Examiner: KASTLER, S

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: : #6
Hironori FUJIOKA, et al. : EXAMINER: KASTLER, S
SERIAL NO: 09/848,280 :
FILED: MAY 4, 2001 : GROUP: 1742
FOR: METHOD OF PRODUCING REDUCED IRON
AND PRODUCTION FACILITIES THEREFOR

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER OF PATENTS
WASHINGTON, DC 20231

SIR:

In response to the Restriction Requirement stated in the Official Action dated June 25, 2002, Applicants provisionally elect Group (Invention) I, Claims 4 and 5, drawn to a method of producing reduced iron pellets including rolling and cooling, classified in class 75, subclass 433.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action summarily asserts that the application contains claims to distinct inventions under MPEP § 806.05(e), because "the apparatus of group II could be used for another, materially different process, such as copper refining." However, without any further information, such a finding lacks basis upon which it can be evaluated whether the proposed alternative is in fact "materially different" under MPEP §806.5(e).

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Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP § 803 states the following:

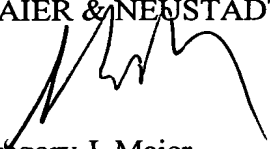
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In the present application, Claim 4 is directed to a method of producing reduced iron pellets, and Claim 6 is directed to a production facility for producing reduced iron pellets. Hence, it appears that these claims in the present application are part of an overlapping search area and that a search for Claims 4 and 5 would necessarily include the class and subclass required for a search directed to Claims 6-8 as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP § 803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 4-8 be conducted.

Respectfully submitted,

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